

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Comcast Cable Communications, Inc.)	CSR-6255-A
)	
Petition for Modification of the Los Angeles, California DMA)	
)	
KVMD Licensee Co., LLC)	CSR-6203-M
v.)	CSR-6243-M
Comcast Cable Communications, Inc.)	
)	
Request for Carriage)	

MEMORANDUM OPINION AND ORDER

Adopted: March 19, 2004

Released: March 22, 2004

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. KVMD Licensee Co., LLC (“KVMD”), permittee of Station KVMD-DT, Twentynine Palms, California (Ch. 23 – Ind.) has filed two complaints and a Motion to Consolidate against Comcast, Cable Communications (“Comcast”) because of the cable operator’s refusal to carry the station’s digital television signal on its cable television systems serving the Los Angeles market. Comcast filed oppositions in both matters and KVMD filed replies.

2. Comcast filed the above-captioned petition for special relief, seeking to exclude certain cable communities from KVMD’s market so that Comcast would be under no obligation to carry the station’s signal on its cable systems serving the Los Angeles market. KVMD filed an opposition to the petition and Comcast filed a reply. Specifically, Comcast requests that KVMD be excluded, for purposes of the cable television mandatory broadcast signal carriage rules, from 73 communities in the Los Angeles DMA (the “Comcast communities”).¹ We are consolidating these cases in order to determine the

¹ The subject communities are: Artesia, Athens, Baldwin Hills, Bell, Bell Gardens, Bellflower, California Oaks, Canyon Lake, Carson, Castaic Lake, Claremont, Compton, Corona, Costa Mesa, Covina, Cudahy, Culver City, Cypress, Downey, East Compton, El Cerrito, Florence, Glenn Ivy, Harbor City, Hawaiian Gardens, Hawthorne, Hollywood, Homeland, Horse Thief Canyon, Inglewood, Kagel Canyon, La Mirada, La Palma, Ladera Heights, Lake Elsinore, Lakewood, Lennox, Lomita, Los Angeles, Lynwood, Maywood, Menifee, Murietta, Murrieta Hot Springs, Newhall, Nuevo, Paramount, Playa del Rey, Pomona, Quail Valley, Riverside, Romoland, San Pedro, Santa Clarita, Santa Fe Springs, Saugus, Sedco Hills, South Central Los Angeles, South El Monte, Sunland, Sylmar, The Farm (MBH), Tujunga, Tustin, Valencia, West Los Angeles, Westchester, Wild Rose, Wildomar, (continued...)

signal carriage rights of KVMD in the Los Angeles market.

II. BACKGROUND

3. Pursuant to Section 614 of the Act and the rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues ("Must Carry Order")*, commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.² A station's market for this purpose is its "designated market area," or DMA, as defined by Nielsen Media Research.³ A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns. Each county in the United States is assigned to a market based on which home-market stations receive a preponderance of total viewing hours in the county. For purposes of this calculation, both over-the-air and cable television viewing are included.⁴

4. Under the Act, however, the Commission is directed to consider changes in market areas. Section 614(h)(1)(C) provides that the Commission may:

... with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section.⁵

In considering such requests, the 1992 Cable Act provides that:

... the Commission shall afford particular attention to the value of localism by taking into account such factors as –

- (I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;
- (II) whether the television station provides coverage or other local service to such community;
- (III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or

(...continued from previous page)

Willowbrook, Wilmington, Wilshire, Windsor Hills, California.

² 8 FCC Rcd 2965, 2976-2977 (1993).

³ Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. See 47 U.S.C. §534(h)(1)(C). Section 76.55(e) requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. 47 C.F.R. § 76.55(e); see *Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, 14 FCC Rcd 8366 (1999) ("Modification Final Report and Order").

⁴ For a more complete description of how counties are allocated, see Nielsen Media Research's *Nielsen Station Index: Methodology Techniques and Data Interpretation*.

⁵ 47 U.S.C. § 534(h)(1)(C).

provides carriage or coverage of sporting and other events of interest to the community;

(IV) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.⁶

The legislative history of the provision states that:

where the presumption in favor of [DMA] carriage would result in cable subscribers losing access to local stations because they are outside the [DMA] in which a local cable system operates, the FCC may make an adjustment to include or exclude particular communities from a television station's market consistent with Congress' objective to ensure that television stations be carried in the area in which they serve and which form their economic market.

* * * *

[This subsection] establishes certain criteria which the Commission shall consider in acting on requests to modify the geographic area in which stations have signal carriage rights. These factors are not intended to be exclusive, but may be used to demonstrate that a community is part of a particular station's market.⁷

In adopting rules to implement this provision, the Commission indicated that requested changes should be considered on a community-by-community basis rather than on a county-by-county basis, and that they should be treated as specific to particular stations rather than applicable in common to all stations in the market.⁸

5. In the *Market Modification Final Report and Order*, the Commission, in an effort to promote administrative efficiency, adopted a standardized evidence approach for modification petitions that requires the following evidence be submitted:

(A) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market.

(B) Grade B contour maps delineating the station's technical service area and showing the location of the cable system headends and communities in relating to the service areas.

⁶ *Id.*

⁷ H.R. Rep. 102-628, 102d Cong., 2d Sess. 97 (1992).

⁸ *Must Carry Order*, 8 FCC Rcd at 2977 n.139.

Note: Service area maps using Longley-Rice (version 1.2.2) propagation curves may also be included to support a technical service exhibit.⁹

- (C) Available data on shopping and labor patterns in the local market.
- (D) Television station programming information derived from station logs or the local edition of the television guide.
- (E) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings.
- (F) Published audience data for the relevant station showing its average all day audience (i.e., the reported audience averaged over Sunday-Saturday, 7 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records.¹⁰

Petitions for special relief to modify television markets that do not include the above evidence shall be dismissed without prejudice and may be refiled at a later date with the appropriate filing fee. The *Market Modification Final Report and Order* provides that parties may continue to submit whatever additional evidence they deem appropriate and relevant.

6. In *Carriage of Digital Television Broadcast Signals First Report and Order* (“*DTV Must Carry Report and Order*”), the Commission concluded that under Section 614(a) of the Act, a digital-only television station has mandatory carriage rights, and amended the rules accordingly.¹¹ The Commission has established a framework for analyzing market modifications for digital television stations.¹² The Commission stated that Nielsen’s market designations, publications, and assignments for the analog television market should continue to be binding on broadcast stations transitioning to digital television broadcasting. The presumption is that the market of the station’s digital signal is coterminous with the station’s market area for its analog signal during the transition period.¹³ The Commission also found that

⁹ The Longley-Rice model provides a more accurate representation of a station’s technical coverage area because it takes into account such factors as mountains and valleys that are not specifically reflected in a traditional Grade B contour analysis. In situations involving mountainous terrain or other unusual geographical features, Longley-Rice propagation studies can aid in determining whether or not a television station actually provides local service to a community under factor two of the market modification test.

¹⁰ 47 C.F.R. § 76.59(b).

¹¹ See 16 FCC Rcd 2598, 2606 (2001); 47 C.F.R. § 76.64(f)(4). The Commission has held that a television station may elect to have its digital signal carried in an analog format by local cable systems. The Commission concluded that for purposes of supporting the conversion to digital signals and facilitating the return of the analog spectrum, a television station may demand that one of its high definition digital (“HDTV”) or standard definition digital (“SDTV”) television signals be carried on the cable system for delivery to subscribers in an analog format. *DTV Must Carry Report and Order*, 16 FCC Rcd at 2630.

¹² See *id.* at 2635-36.

¹³ We note that in adopting technical rules for the digital transmission of broadcast signals, the Commission attempted to insure that a station’s digital over-the-air coverage area would replicate as closely as possible its current over-the-air analog coverage area. See *Sixth DTV Report and Order*, 12 FCC Rcd 14588, 14605 (1997).

the statutory factors in Section 614(h), the current process for requesting market modifications, and the evidence needed to support such petitions, will be applicable to digital television modification petitions during the transition period when television stations broadcast both an analog signal and a digital signal.¹⁴ The Commission recognized that the technical coverage area of a digital television signal may not exactly replicate the technical coverage area of the analog television signal. Therefore, in deciding DTV market modification cases, the Commission stated that it would take into consideration changes in signal strength and technical coverage because of new digital television channel assignments and power limits. It concluded that all other matters concerning the modification process for digital television signals will be decided on a case-by-case basis.¹⁵

III. DISCUSSION

7. KVMD states that it is an authorized full service digital UHF station whose city of license is Twentynine Palms, California, a community located in San Bernadino County, California.¹⁶ KVMD further states that its DTV facility is authorized to broadcast on Channel 23 and commenced operations, pursuant to special temporary authority, on July 29, 2002. KVMD adds that on June 1, 2003, it discontinued analog operations, and commenced digital-only operations, pursuant to Commission authorization. KVMD states that the station and Comcast's cable systems are both located in the Los Angeles DMA. KVMD states that by letter dated May 7, 2003 it elected and sought mandatory carriage on Comcast's cable systems. KVMD further states that by letter dated August 8, 2003, it again demanded mandatory carriage on the cable systems in question. The station asserts that Comcast did not respond directly to either letter.¹⁷ Subsequently, Comcast filed a petition for special relief seeking modification of KVMD's market. In order to determine the carriage rights of KVMD in the Los Angeles market, we grant KVMD's Motion to Consolidate its two mandatory carriage complaints and consider Comcast's market modification in this matter. Comcast's market modification arguments are set forth below.

8. **History of carriage.** Comcast asserts that KVMD's digital signal has no history of carriage on its cable systems, nor did the station's analog predecessor.¹⁸ KVMD contends that the station is currently carried by cable systems operated by both Adelphia Communications and Charter Communications in the Los Angeles DMA, and that Adelphia carries the station on several systems directly adjacent to communities served by Comcast.¹⁹ In reply, Comcast contends that the any recent or future carriage agreements by Adelphia and Charter are irrelevant in analyzing the historic carriage factor.²⁰ Comcast argues that recent carriage by nearby cable operators may be relevant in certain modification cases, but not in the instant matter, where such evidence is overwhelmed by the station's

¹⁴ See *DTV Must Carry Report and Order*, 16 FCC Rcd at 2636.

¹⁵ *Id.*

¹⁶ Twentynine Palms is on the eastern edge of the Los Angeles DMA.

¹⁷ KVMD explains that it filed the second request for mandatory carriage "to protect fully its must-carry rights" pursuant to Comcast's procedural argument that KVMD's initial request for carriage was premature. Motion to Consolidate at 2.

¹⁸ Modification at 4.

¹⁹ Modification Opposition at 6, Exhibits B and C.

²⁰ Comcast states that nearly two-thirds of the station's carriage on Adelphia and Charter's systems commenced after the filing date of Comcast's petition or have yet to commence carriage. Modification Reply at 5.

lack of a local nexus to the cable communities at issue.²¹

9. **Local Service.** Comcast asserts that KVMD fails to provide coverage or local service to the subject communities.²² Comcast states that the station's city of license is located from 66 to 147 miles from the Comcast communities, and that the lack of connection between the station and the cable communities is also demonstrated by the fact that there are no major roads or highways connecting Twentynine Palms with the communities.²³ Comcast states that driving distances between Twentynine Palms and the cable communities range from 2 hours to 3 hours, due to the significant geographical barriers.²⁴ Comcast states that the station's digital Grade B contour, or 41 dBu contour, and the Longley-Rice analysis of the station's coverage demonstrate that many of the communities do not receive coverage.²⁵ Further, Comcast states that any prediction of minimal technical coverage overstates KVMD's actual signal, because the station is operating under a low power Special Temporary Authority of 100 kW rather than its full operating power of 150 kW.²⁶

10. In opposition, KVMD contends that the station's 41 dBu contour and Longley-Rice propagation studies show that many of the Comcast communities are within the coverage area of the station.²⁷ KVMD argues that the Commission should give priority to the station's 41 dBu coverage area rather than the distances between Twentynine Palms and the cable communities. KVMD states that it has made a commitment to deliver its signal to Comcast via satellite to ensure delivery of a good quality signal to the system's headends.²⁸ KVMD contends that it offers distinctive local programming, including extensive coverage of local and regional sporting events²⁹ and locally-produced multicultural programming not otherwise available on broadcast stations in the Los Angeles market and on Comcast's systems.³⁰ KVMD contends that the stations carried on Comcast's systems offer no substitutes for the

²¹ See *Avenue TV Cable Service, Inc.*, 18 FCC Rcd 23823 (2003).

²² Modification at 5.

²³ *Id.*

²⁴ *Id.* at 6, Exhibit 2. Comcast describes the geographic barriers as: the San Bernadino Mountains, the San Gabriel Mountains, the Santa Anna Mountains, the San Jacinto Mountains, Coachella Valley, the Badlands, the San Gabriel Wilderness, Bighorn Mountain, Whitewater River National Recreation Lands, Chino Hills, Puente Hills, San Jose Hills, Peralta Hills and various other local mountain ranges.

²⁵ *Id.* at 4-5.

²⁶ *Id.* at 5. See FCC File Nos. BPCDT-19991101AIP; BEDSTA-20030513AEP.

²⁷ Modification Opposition at 9-10, Exhibit D. KVMD has also filed supplemental pleadings with additional Longley-Rice analyses based on its projected operating power of 150 kW. These pleadings and exhibits are of little use in clarifying KVMD's signal propagation, in that the studies are based on speculative and future operating power. In market modification proceedings, we do not accord evidentiary weight to technical changes that may occur in the future. See *Avenue TV Cable Services, Inc.*, 16 FCC Rcd 16445 (2001). Rather, we rely on the 100 kW Longley-Rice study provided by Comcast, based on the station's current operating power.

²⁸ *Id.* at 10.

²⁹ *Id.* at 12-15. KVMD states that such local programming includes Big West Conference basketball games, the "KVMD High School Football Game of the Week," minor league professional baseball, a local equestrian show filmed in Burbank and Del Mar, California, Big West Conference Women's Soccer, the Long Beach Sea Dogs (a minor league professional hockey team), various foreign-language programming, and "Horse-TV" on the America One Network

³⁰ *Id.* at 12.

unique local programming that the station brings to its viewers.³¹

11. In reply, Comcast contends that because KVMD is operating at only two-thirds of its full operating power of 150 kW, the contour maps provided by the station do not reflect the actual signal being broadcast. Comcast provides a Longley-Rice coverage map based on the station's current operating power of 100 kW, which it contends is more accurate than studies provided by KVMD.³² Comcast argues that KVMD overstates the importance of its theoretical coverage area at 150 kW, and contends that most of the communities lie outside the station's 41 dBu contour. In addition, Comcast argues that many of the communities that are technically within the station's contour "lie on its very fringe and/or are separated by significant geographical barriers and distance."³³ Comcast acknowledges that a "handful" of the communities in Riverside County lie on the fringe of KVMD's coverage area,³⁴ but that the majority of the communities lie outside of KVMD's 41 dBu contour.³⁵ Comcast argues that KVMD's commitment to deliver a good quality signal to Comcast's cable headends is not properly an issue in a market modification proceeding, and that the proper question is whether the station provides a good quality signal to individual households in the communities.³⁶ Comcast also argues that KVMD provides no local programming directed to the Comcast communities. Comcast states that 43 percent of the station's broadcast schedule consists of paid programming, and that the remainder of the schedule is general interest programming with no apparent nexus to the communities.³⁷

12. **Carriage of other local television stations.** Comcast asserts that it carries many local broadcast stations, significantly closer to the cable communities than KVMD, which provide extensive coverage of local news and sporting events of particular interest to residents of the Comcast communities.³⁸ KVMD states that the station's programming stands apart from the general programming currently carried by Comcast, and that KVMD offers local programming that is otherwise unavailable on Comcast's systems.³⁹

13. **Viewing patterns.** Comcast asserts that KVMD's signal failed to achieve reportable off-air viewing in the cable communities, nor did the station's analog signal.⁴⁰ KVMD argues that it should be treated as a new station for market modification purposes because it is under new ownership and because it is a new digital-only station.⁴¹ Based on these facts, KVMD states that viewership levels should not be accorded substantial weight in this proceeding.

³¹ *Id.* at 16.

³² Modification Reply at 5, Exhibit 2.

³³ *Id.* at 6.

³⁴ *Id.* Comcast identifies these communities as Corona, Murrieta, Nuevo, Romoland, Menifee and The Farm.

³⁵ *Id.* at 7.

³⁶ *Id.* at 8.

³⁷ Modification at 6-7.

³⁸ *Id.* at 8, Exhibits 3 and 10.

³⁹ Modification Opposition at 17.

⁴⁰ Modification at 8, Exhibit 12.

⁴¹ Modification Opposition at 17.

14. Section 614(h)(1)(C) of the Communications Act authorizes the Commission to include or exclude particular communities from a television station's market for the purpose of ensuring that a television station is carried in the areas which it serves and which form its economic market.⁴² Section 614(h)(1)(C)(i) specifically and unambiguously directs the Commission, in considering requests for market modification, to afford particular attention to the value of localism by taking such matters into account.⁴³ These principles apply to all television stations without regard to the mode in which the station broadcasts. Furthermore, the Commission has found that the statutory factors in Section 614(h), the current process for requesting market modifications, and the evidence needed to support such petitions, are applicable to digital television modification proceedings during the transition period.⁴⁴

15. With regard to the communities of Artesia, Athens, Baldwin Hills, Bell, Bell Gardens, Bellflower, Carson, Castaic Lake, Claremont, Compton, Costa Mesa, Covina, Cudahy, Culver City, Cypress, Downey, East Compton, Florence, Harbor City, Hawaiian Gardens, Hawthorne, Hollywood, Inglewood, Kagel Canyon, La Mirada, La Palma, Ladera Heights, Lakewood, Lennox, Lomita, Los Angeles, Lynwood, Maywood, Newhall, Paramount, Playa del Rey, Pomona, San Pedro, Santa Clarita, Santa Fe Springs, Saugus, South Central Los Angeles, South El Monte, Sunland, Sylmar, Tujunga, Tustin, Valencia, West Los Angeles, Westchester, Wild Rose, Willowbrook, Wilmington, Wilshire, and Windsor Hills, Comcast has presented evidence in the record to support its request. In this matter, KVMD has no history of carriage and no discernable viewership in the communities at issue. The record evidence also indicates that KVMD's analog signal, when it was broadcasting, was not carried on Comcast's systems and did not have viewership in the cable communities. KVMD claims to have recent carriage on certain nearby Adelphia and Charter cable television systems. While such carriage may be a relevant factor in certain modification cases, such evidence is clearly overwhelmed by the station's lack of a local connection to the majority of the cable communities at issue.⁴⁵ In addition, KVMD's commitment to provide a good quality signal to Comcast's headends is not decisional in a market modification proceeding.

16. It is evident that KVMD is geographically distant from the majority of communities, and that the station is separated from these communities by mountain ranges, desert plateaus, and political boundaries. We agree with Comcast that signal strength studies reflecting current operating power demonstrate a clearer indication of the station's present coverage. KVMD has also failed to rebut Comcast's showing with sufficient evidence that its programming has a distinct nexus to the cable communities. Comcast has shown, however, that there are numerous local television stations that it currently carries that provide specific programming of interest to the cable communities. In conclusion, relying on case precedent for analog television station market modifications, the grant of Comcast's market modification request for the majority of the communities in question would effectuate the purposes of Section 614(h) of the Act.

17. We deny Comcast's request, however, to exclude the communities of California Oaks, Canyon Lake, Corona, El Cerrito, Glen Ivy, Homeland, Horsethief Canyon, Lake Elsonore, Menifee, Murrieta, Murrieta Hot Spring, Nuevo, Quail Valley, Riverside, Romoland, Sedco Hills, The Farm, and Wildomar. It is undisputed by both Comcast and KVMD that the communities of Corona, Murrieta,

⁴² 47 U.S.C. § 534(h)(1)(C).

⁴³ 47 U.S.C. § 534(h)(1)(C)(i).

⁴⁴ See *DTV Must Carry Report and Order*, 16 FCC Rcd at 2636.

⁴⁵ See *Avenue Cable TV*, 18 FCC Rcd 23823 (2003).

Nuevo, Romoland, Menifee and The Farm receive a digital signal according to Longley-Rice studies. The remaining communities of California Oaks, Canyon Lake, El Cerrito, Glen Ivy, Homeland, Horsethief Canyon, Lake Elsinore, Murrieta Hot Spring, Quail Valley, Riverside, Sedco Hills and Wildomar are proximate to those communities not in dispute. In addition, the communities are considerably closer geographically to Twentynine Palms than are the other communities at issue. Given the station's coverage and the station's closer geographic proximity, it appears that it is KVMD's intent to serve these communities. As such, carriage of the station's signal is reasonable and appropriate under the Act and the Commission's rules.

18. Finally, because we find that KVMD is not local for mandatory carriage purposes for the communities of Artesia, Athens, Baldwin Hills, Bell, Bell Gardens, Bellflower, Carson, Castaic Lake, Claremont, Compton, Costa Mesa, Covina, Cudahy, Culver City, Cypress, Downey, East Compton, Florence, Harbor City, Hawaiian Gardens, Hawthorne, Hollywood, Inglewood, Kagel Canyon, La Mirada, La Palma, Ladera Heights, Lakewood, Lennox, Lomita, Los Angeles, Lynwood, Maywood, Newhall, Paramount, Playa del Rey, Pomona, San Pedro, Santa Clarita, Santa Fe Springs, Saugus, South Central Los Angeles, South El Monte, Sunland, Sylmar, Tujunga, Tustin, Valencia, West Los Angeles, Westchester, Wild Rose, Willowbrook, Wilmington, Wilshire, and Windsor Hills, California, KVMD's must carry complaints with regard to these communities are dismissed as moot. With regard to the communities of California Oaks, Canyon Lake, Corona, El Cerrito, Glen Ivy, Homeland, Horsethief Canyon, Menifee, Murrieta, Murrieta Hot Spring, Lake Elsinore, Nuevo, Quail Valley, Riverside, Romoland, Sedco Hills, The Farm, and Wildomar, however, KVMD's must carry complaint will be granted.

IV. ORDERING CLAUSES

18. Accordingly, **IT IS ORDERED**, pursuant to Section 614(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 534(h), and Section 76.59 of the Commission's rules, 47 C.F.R. § 76.59, that the captioned petition for special relief (CSR-6255-A), filed by Comcast Cable Communications, Inc. **IS GRANTED IN PART**, as indicated herein.

19. **IT IS FURTHER ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. § 534, that the must carry complaints (CSR-6203-M, CSR-6243-M) filed by KVMD Licensee Co., LLC against Comcast Communications **IS GRANTED** for the communities of California Oaks, Canyon Lake, Corona, El Cerrito, Glen Ivy, Homeland, Horsethief Canyon, Lake Elsinore, Menifee, Murrieta, Murrieta Hot Spring, Nuevo, Quail Valley, Riverside, Romoland, Sedco Hills, The Farm, and Wildomar, California, and is **OTHERWISE DENIED**.

20. **IT IS FURTHER ORDERED** that Comcast shall commence carriage of KVMD on its cable systems serving California Oaks, Canyon Lake, Corona, El Cerrito, Glen Ivy, Homeland, Horsethief Canyon, Lake Elsinore, Menifee, Murrieta, Murrieta Hot Spring, Nuevo, Quail Valley, Riverside, Romoland, Sedco Hills, The Farm, and Wildomar, California within sixty (60) days from the release date of this Order. KVMD shall notify Comcast of its channel position election thirty (30) days from the release date of this Order, pursuant to Sections 76.57 and 76.64(f) of the Commission's rules.⁴⁶

21. These actions are taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules.⁴⁷

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
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⁴⁶ 47 C.F.R. §§ 76.57 and 76.64(f).

⁴⁷ 47 C.F.R. § 0.283.